

# **EXHIBIT 104**

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOHN P. "JACK" FLYNN	:	
LESLIE A. FLYNN	:	
	:	
Plaintiffs,	:	
	:	
v.	:	<u>Case 1:21-cv-02587- GHW/SLC</u>
	:	
	:	
CABLE NEWS NETWORK, INC.	:	
	:	
Defendant.	:	
-----X		

**LESLIE FLYNN'S ANSWER TO  
DEFENDANT'S FOURTH INTERROGATORY**

Plaintiff, Leslie A. Flynn ("Leslie"), by counsel, pursuant to Rules 26(e) and 33 of the Federal Rules of Civil Procedure and the Federal Rules of Evidence ("FRE") and the Court's Order entered July 27, 2023 [*ECF No. 162*], hereby serves the following Answer to defendant, Cable News Network, Inc.'s ("CNN"), fourth set of interrogatories dated August 2, 2023 (the "Discovery Requests"):

**Answer to Interrogatory**

<p>1. Because Plaintiff Leslie Flynn admits she can longer access her February 6, 2021 text messages with Mary Ellen Sullivan, explain how she deleted them and why they were not preserved.</p>
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**ANSWER:** Leslie Flynn did not delete the February 6, 2021 text messages with Mary Ellen Sullivan. She fully preserved the text messages by (a) forwarding the screenshot taken by Mary Ellen Sullivan of the Flynn's on CNN to Jack on

February 6, 2021 with a message that identified Mary Ellen (“[m]y girlfriend”) as the sender of the text message, and (b) by forwarding the entire text message chain to Jack on March 22, 2021. In her original interrogatory answer, Leslie mistakenly indicated that the first message she received from Mary Ellen was in March 2021. She received the text message on February 6, 2021 and she exchanged messages with Mary Ellen via Facebook in March 2021. When the Flynns originally produced documents in June 2022, Leslie believed that all her communications with Mary Ellen Sullivan were included. At her deposition, she testified that she learned about the CNN report from Mary Ellen sometime in February 2021. After the deposition, she searched her phone for the February 6, 2021 text message, and could not find it. Leslie has now looked at the factory settings on her phone, which she thought were automatically set to save things forever. Her phone now indicates that messages are deleted after a year. Leslie did not make this change to her phone. She can only think that the phone settings might have changed automatically at some point when she upgraded the Apple software. She has changed the setting back to save messages forever.

Verification on Next Page

**V-E-R-I-F-I-C-A-T-I-O-N**

I have reviewed the above Interrogatory Answers, and I swear or affirm that the answers are truthful and accurate to the best of my knowledge and belief based upon documents and information in my possession and control, based upon my personal observations, memory, and experiences, and based upon documents believed to be in the possession, custody and control of others.

In accordance with 28 U.S.C. § 1746, I declare, certify, verify, and state under penalty of perjury that the foregoing is true and correct.

Executed in Nashville, Tennessee, on August 10, 2023.

/s/

\_\_\_\_\_  
LESLIE A. FLYNN

**Reservation of Rights**

Leslie reserves the right to amend and/or supplement her Answers to Defendant's Discovery Requests.

DATED: August 10, 2023

JOHN P. "JACK" FLYNN  
LESLIE A. FLYNN

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*Counsel for the Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 10, 2023 a copy of the foregoing was served electronically in PDF on counsel for the Defendant.

By: /s/ Steven S. Biss

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